

CR 17. PARTIES PLAINTIFF AND DEFENDANT, CAPACITY

(a) and (b) [Reserved].

(c) Infants or Incompetent Persons. In every case where the court is requested to approve a settlement involving the claim of a minor or incompetent, an independent guardian ad litem, who shall be an attorney-at-law, must be appointed by the court, and said guardian ad litem shall investigate the adequacy of the offered settlement and report thereon; provided, however, that the court may dispense with the appointment of the guardian ad litem if a general guardian has been previously appointed for such minor or incompetent, or if the court affirmatively finds that the minor or incompetent is represented by independent counsel.

The allowance and taxation of all fees, costs and other charges incident to the settlement of any such claim shall be considered and disposed of by the court at the time the petition for approval of the settlement is heard. The total judgment shall be paid into the registry of the court. All sums deductible therefrom, including costs, attorneys' fees, hospital and medical expenses, and any other expense, shall be paid upon approval of the court.

If the money or the value of other property remaining is \$5,000 or less and there is no general guardian of the ward, the court shall require (1) that the money be deposited in a bank or trust company or be invested in an account in an insured savings and loan association for the benefit of the ward subject to withdrawal only upon order of the court as a part of the original proceeding, or (2) that a general guardian be appointed and the money or other property be paid or delivered to such guardian.

If the money or the value of other property remaining exceeds \$5,000, and there is no general guardian of the ward, the court in said order or judgment shall require that a general guardian be appointed.

[Effective May 1, 1992; amended effective July 1, 1997.]